

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 34496 of 1998

DATE: 21-03-2007

Between :

Dharavath Kanya and 19 others.

... Petitioners

And

The Forest Range Officer,
Guduru, Warangal District and 3 others.

... Respondents

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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 34496 of 1998

ORDER:

This writ petition is filed seeking a declaration that the alleged action of the respondents 1 to 3 in evicting the petitioners from the lands to an extent of Acs.70.00 situated in Sy.No.313/1 of Gudur village, Warangal District is arbitrary and illegal.

In the affidavit filed in support of the writ petition it is pleaded by the petitioners that they are all Schedule Tribes and have been in occupation of the land in question for the past several years. The said land is described as Government Poramboke in the Revenue records and they have made the said land fit for cultivation and have been raising dry crops regularly. It is also pleaded that they made representations to the fourth respondent to assign the lands in their occupation and the same is under consideration. While so, the respondents 1 to 3-Forest Officials have been trying to dispossess the petitioners on the ground that the land is Reserved Forest land. Contending that the said action of the respondents 1 to 3 is arbitrary and illegal, the present writ petition has been filed.

This Court, while directing Rule Nisi, by order dated 11-12-1998 in WP.MP.No.42456 of 1998 directed the respondents not to interfere with the possession of the land in occupation of the petitioners provided the land does not fall within the Reserved Forest Area.

In the counter affidavit filed on behalf of the respondents 1 to 3, all the allegations made by the petitioners have been denied and it is stated that the land in question was included in the Reserve Forest

Block, Guduru, and a notification to that effect was issued. It is stated that the petitioners were never in possession of the said land, but they were trying to encroach into the forest land illegally. Since the land was included in the Reserve Forest, the Officials of the Forest Department prevented the petitioners from encroaching upon the land. The allegation that the respondents were attempting to dispossess the petitioners forcibly was absolutely false and without any basis.

The petitioners have not filed any affidavit in reply nor any other material is placed before this Court contradicting the version of the respondents 1 to 3 in their counter affidavit.

In the circumstances, since it is clear that the land in question forms part of the Reserve Forest Area, the writ of Mandamus as prayed for cannot be issued.

Accordingly, the writ petition is dismissed. No costs.

G. ROHINI, J.

Date:21-03-2007
KLP

